FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.1847 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.A.A.Garge for petitioner.

CORAM : H.L GOKHALE, J

DATED : 27th June 2006

P.C. :

1. Heard Mr.Garge in support of this petition.

2. The petition seeks to challenge an order dated 26th August 2003 passed by the Civil Judge, Junior Division, Vita, District Sangli on an interim application moved by the respondents herein. Respondent Nos.1 and 2 have filed a suit. Respondent No.1 is the widow of the brother of the petitioner. She has filed this suit for partition of the joint family property and particularly the agricultural land which stands in

the name of the father-in-law of respondent No.1 and the father of the petitioner. The petitioner has raised various pleas in the reply filed to the trial Court, namely, that there has been a gift deed governing the concerned land and that the 1st respondent has been allotted some other parcel of lands. These are all aspects which can be gone into when the main suit is heard and decided. This application has been allowed by the trial Court under Section 151 of the Civil Procedure Code in the interest of justice by awarding only Rs.300/- to the 1st respondent-widow and Rs.300/- to one daughter of the 1st respondent i.e. respondent No.2.

3. The petitioner should maintain the account of the payments made and the payments made will be subject to the orders to be passed at the ends of

justice. There is no reason to interfere in this interim order. Petition is dismissed.

(H.L.GOKHALE, J.)